

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BILLY PETERSON,

Plaintiff,

v.

ORION INDUSTRIES, a Washington
Nonprofit,

Defendant.

Case No.

PLAINTIFF'S COMPLAINT

JURISDICTION AND VENUE

1. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 1331 and 1367. This action is authorized and instituted pursuant to 29 U.S.C. § 2617(a).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Washington of Seattle.

PARTIES

3. Plaintiff is a resident of the State of Washington. He was formerly employed by Orion Industries, a Washington nonprofit.

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1 was doing this as “punishment” and to show he was “doing something” about Mr. Peterson’s
2 absences.

3 9. After three days at work, Mr. Peterson’s health worsened, and he began using his
4 FMLA leave again. He got medical certification from his doctor, which he tried to give to Mr.
5 Gilleland. Mr. Gilleland stated, “This means nothing to me,” and ripped up the note.

6 10. Mr. Gilleland again began calling Mr. Peterson at home during his FMLA leave to
7 find out when he would return to work.

8 11. Mr. Gilleland insisted that Mr. Peterson provide a “second opinion” with regard to
9 his medical status, so Mr. Peterson underwent an examination with Khanh Nguyen, M.D. On
10 September 10, 2012, Mr. Peterson went to work at Orion to give Mr. Gilleland Dr. Nguyen’s
11 report and to discuss his FMLA leave status. Mr. Peterson told Mr. Gilleland that he was trying
12 to get better, and planned to come back to work as soon as he could. Mr. Gilleland terminated
13 Mr. Peterson’s employment, telling him to “get the fuck out.”
14

15 CLAIMS

16 1. Family and Medical Leave Act (FMLA). Defendant’s conduct in terminating
17 Plaintiff’s employment due to his illness-related absences from work constitutes violations of
18 the Family and Medical Leave Act, 29 U.S.C. 2601 *et seq.* As a proximate cause of
19 Defendant’s unlawful conduct, Plaintiff suffered loss of salary and benefits.
20

21 PRAYER FOR RELIEF

22 **WHEREFORE**, Plaintiff prays:

23 1. That he have judgment against Defendant for all compensatory damages, including
24 but not limited to, back and front pay and benefits;

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2. That he be awarded double damages pursuant to 29 U.S.C. § 2617(a)(1)(A)(iii);
3. That he be awarded prejudgment interest;
4. That the court award equitable relief, as appropriate;
5. That the court award attorney's fees and actual costs; and
6. For such other and further relief as this court deems just and equitable.

JURY TRIAL DEMAND

Plaintiff Billy Peterson hereby requests a jury trial on all questions of fact raised by his complaint.

DATED this 9th day of September, 2014.

SCOTT, KINNEY, FJELSTAD & MACK

By /s/ Donna L. Mack
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